

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

v.

CARLOS ALBERTO ZAMUDIO JR.

Defendant.

Case No. 1:18CR00410-017

DEFENDANT’S SENTENCING MEMORANDUM

The advisory sentencing guidelines range is 37 to 46 months’ imprisonment based on relevant conduct of one kilogram of cocaine, criminal history category I (no criminal history points), and a reduction for acceptance of responsibility. The government has agreed in the plea agreement to not seek a custodial sentence exceeding 24 months. For the reasons set forth below, we believe that a sentence of 3 years’ probation is appropriate.

The PSR describes Carlos Zamudio as a “multi-ounce” cocaine dealer. His relevant conduct is based on a transaction that occurred on March 2, 2018. He was arrested on January 22, 2019, almost a year later, after voluntarily desisting from this conduct for a significant time. Mr. Zamudio was not the target of this investigation. He became involved because of his association/involvement with co-defendant Carlos Hernandez. Mr. Zamudio is 48 years old with no criminal history or significant history of drug or alcohol use/abuse. The crime was committed for monetary gain. Getting involved was a bad decision.

Mr. Zamudio was released on bond on January 31, 2019. He has excelled on pretrial release. We believe that this shows he is a good candidate for probation.

In 2020, Mr. Zamudio enrolled in a computer programming curriculum offered through the University of Texas called “UX/UI Boot Camp.” The idea is to

train folks to improve smartphone apps. Hopefully, this course will provide the foundation for Mr. Zamudio's future working life. We ask that his momentum not be stymied. He invested \$10,000 for tuition and the course was six months long. Classes were held three times per week, three hours per session, virtually. Much of the remainder of the week was spent on homework. Mr. Zamudio graduated and received a completion certificate dated October 3, 2020.

Mr. Zamudio's job prospects are good. Apparently, graduates earn minimum salaries of \$60,000 per year and can earn upwards of \$120,000 per year. We have had several clients graduate from this course and go on to do well. Mr. Zamudio voluntarily sought out this career. We do not expect him to get into trouble again and he has a non-criminal way of supporting himself.

Much confusion has surrounded this case on our side. As the Court knows, it is never easy for defendants to understand such concepts as "conspiracy," "burden of proof," and "relevant conduct." We have spent many hours educating Mr. Zamudio on those concepts as applied to his case. Recently, we retained former APD Detective Jesse Prado to break down the evidence for Mr. Zamudio. This was well after the PSR objection was filed.

As the Court knows, we filed a motion to vacate the guilty plea and a PSR objection. We hope that the filing of those motions is not held against Mr. Zamudio. We are confident that at this stage Mr. Zamudio understands the applicable legal concepts.

We wish to withdraw our PSR objection.

The sentencing statute directs courts to consider several factors that we believe weigh in favor of probation:

- *Nature and Circumstances of the Offense.* Mr. Zamudio was a low-level dealer and his relevant conduct is low.
- *History and characteristics of the defendant.* As noted above, Mr. Zamudio has no criminal history points in 49 years of life. He is not a significant drug or alcohol user/abuser. He recently sought job

training which will adequately support him. He has not lived a life that deserves severe punishment.

- *Need for the Sentence To Protect the Public from Further Crimes of the Defendant.* Mr. Zamudio is unlikely to re-offend. He voluntarily desisted from this conduct long before he was arrested. He has done well on pretrial supervision. He has a low likelihood of recidivism.
- *Kinds of Sentences Available.* Mr. Zamudio is statutorily eligible for probation.

WHEREFORE, the defendant, Carlos Alberto Zamudio, Jr., asks that the Court sentence him to a term of 3 years' probation.

/s/ Victor Arturo Arana

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CERTIFICATE OF SERVICE

I, Victor Arturo Arana, certify that the foregoing Sentencing Memorandum was filed electronically using the Court's CM/ECF electronic filing system which will send notice to all registered parties of record.

/s/ Victor Arturo Arana